

APPEAL OF PLANNING COMMISSION ACTION

Filing Fee: \$1,250.00

Appeals must be submitted to the County Clerk's Office within 10 calendar days after the Planning Commission action (if the 10th day falls on a weekend, the filing period is extended to the next business day by 4:00 p.m.) Please print or type the application. If someone else is appearing on your behalf, you must complete an Agent's Authorization form and submit it at the time the appeal is filed.

To: Siskiyou County Board of Supervisors
311 Fourth Street, Room 201
Yreka, CA 96097

FILED

Siskiyou County

MAR 04 2024

LAURA BYNUM, CLERK

BY: Wendy D. Dineen
Deputy Clerk

PLEASE PRINT OR TYPE

I am appealing the decision of the Siskiyou County Planning Commission on the following matter:
Golden Eagle Charter School, Use Permit UP-23-08/ Addendum to Certified Mitigated Negative Declaration
which was heard on: 3/17/2024 and 2/24/2024

Reason for Appeal: (Be very specific; use additional pages if necessary.)

See Attached

Anticipated amount of time needed to present your arguments before the Board of

Supervisors: thirty minutes

Signature:  Date: 03/04/2024

Name: Chris Marrone Phone Number: _____

Address: (Street, City, State, Zip) 1037 Lassen Lane, Mount Shasta, CA 96067

Contact Person: (If different than above) _____

Phone Number: _____

Address: (Street, City, State, Zip) _____

SUPPORTING REASONS FOR APPEAL OF PLANNING COMMISSION'S DECISION

The Golden Eagle Charter School has been operating unlawfully in the former church building without a Conditional Use Permit for about a year, when the church's previous Conditional Use Permit for school use expired when the church was sold in January, 2023.

The County failed to provide the public with adequate notice of the Project's public hearing. The only published notice was in the Siskiyou Daily News, but that is not a newspaper of general circulation in the Mt. Shasta community. At a minimum, the County is required to provide advance public notice, an opportunity to be heard, and a fair hearing because these are constitutional due process rights as explained in *Horn v. County of Ventura* (1979) 24 Cal.3d 605.

The Planning Commission's approval violated CEQA because an Addendum to the Mitigated Negative Declaration is not allowed when a Project has foreseeable significant environmental impacts such as traffic safety impacts, noise impacts, and other significant impacts as identified in the public comments that were submitted.

The Planning Commission violated the Brown Act by limiting what topics pertaining to this Project it allowed the public to comment upon at its February Public Hearing when the meeting's Agenda described no such restriction. The Commission violated public due process rights when it unfairly prohibited the most-affected neighbors at the adjacent Mount Shasta Ranch Bed & Breakfast from speaking about the Project's noise impacts yet allowed the applicant's noise consultant to speak about that very same issue at this public hearing.

The public is entitled to comment on a **new** Mitigated Negative Declaration (MND), or an Environmental Impact Report (EIR), not an amended MND. The information used from the prior CUP, UP-96-03, is not adequate to amend the MND. It is outdated and does not include the impacts that would be generated by a 23,800sf facility, 325 students, and 35 staff members. The impacts from this size and occupancy of a school building had not previously been analyzed. The impacts evaluated to approve the original conditional use permit, UP-96-03, are clearly not reflective of the current conditions and use, therefore an amended MND is not appropriate.

On page 7 the applicant states "As a charter school serving the broader community, rather than a specified zone or district immediately adjacent to the school, travel to/from the school will be primarily by vehicle mode. The absence of sidewalks and marked bicycle lanes in the project area is not a significant concern related to this specific school operation since few students would walk or bike to this school even if those facilities were in place". As a past resident directly north of this site, I can attest to the existing difficulties of pedestrian and bicycle safety on this road, especially with no shoulder, separation of users, or a marked bicycle lane. The increased vehicle traffic will only increase the interactions between cyclists and pedestrians. The concern should be the additional traffic created by the proposed facility and how it will impact the existing pedestrian and cycling users. Neither the traffic consultant, the applicant, or the planning department referenced the existing *Walk, Bike, Ride, Mt. Shasta Mobility Plan* as seen here-<https://www.mtshastaca.gov/media/1916>

This plan was undertaken from 2021 through 2022 and finalized in 2023, with considerable input from the public, the City of Mt. Shasta, and professional planners and designers. It is the most comprehensive plan to date for non-vehicular mobility on this portion of W.A. Barr Rd. Particular attention should be paid to; pg.31, where this section of W.A. Barr Rd. received a "high density of comments", pg. 37, where this section of road is considered "highest priority", pgs. 69-80, where this section of road is "recommended for Class 2 bikeway", pg. 85, where this section of road is recommended for a trail study area for pedestrians", and pgs. 127-129, where this section of road is recommended for "long term high priority bike lane". The current staff report, that includes a review letter by Headway Transportation, does not reference the City of Mt. Shasta Mobility Plan. It also does not include any comprehensive data, such as vehicle counts, line of site, user demand, crossing locations, etc. The Mobility Plan is much more comprehensive. How could the plan not be considered? The applicant acknowledges increased vehicular traffic from the new building occupants, and this is exactly the impact to existing cyclists and pedestrians that needs to be evaluated. These are significant new impacts, not "minor technical changes", that require more current analysis. The rationalization for not considering this impact is a major omission.

On the original applications environmental questionnaire, paragraph K, the applicant states "additionally, the applicant is requesting the maximum student count raised to 325". Yet, many of the county documents, including the project summary, use a student count of 225. The public is entitled to accurate information about the proposed student and staff count.

During the 1/17/24 planning commission meeting, and by county planning staff and commissioners' own admissions, they acknowledge the need to "limit hours of construction, the need to provide a site map, ingress/egress routes, investigate signage and warning lights on the road, to include a timeframe for construction, and consult with Cal Fire regarding 4290 and 4291 standards on the property, and include fencing on Condition of Approval 12". These are not "minor technical changes" from UP-96-03 but "major changes" and as required by CEQA they must be addressed under a new MND at a minimum, allowing the public an opportunity to review and comment on them.

On Thursday, 2/15/24, county staff released the staff report for the commissioners 2/21/24 meeting. There are significant changes recommended to the commissioners for adoption, yet the public would have only three working days to review and comment on such changes. The public is entitled to a 30-day review period, again violating CEQA requirements. These recommendations include a speed reduction that is technically a mitigation measure pursuant to CEQA. Again, not giving the public adequate time to review. This reduction in speed does not indicate where it stops or starts and is not based on any information or data provided by a traffic study. The staff report also suggests "based on the new occupancy there may be some need for additional parking, so Condition of Approval 9 states that the project must adhere to the parking standards identified in Section 10-6.5610 of the County Code." The additional parking is not detailed and again violates the public's right to review and comments on such changes.

The County's provided no analysis or engineering for its decision to condition the Project approval with a traffic speed reduction to 25 mph with undefined signage locations near the school along W.A. Barr Road.

The Appeal is based in part upon the fact that the County does not have a Noise Ordinance by which to allow enforcement against excessive school noise. The 1978 Noise Element of the General Plan is out of date so it is no longer valid in providing standards upon which to evaluate the Project's noise impacts. Local governments must have a complete and valid general plan before they can issue conditional use permits. The County's Noise Element is based on noise data that is nearly 50 years old which is no longer accurate for this W.A. Barr Road neighborhood.

The Project is inconsistent with the General Plan's Noise Element for allowing noise levels that exceed the County's noise standards.

Sincerely,

Chris Marrone